

happening.

It has been a while, please refresh my memory. I believe that we concluded that a regulatory fee was owed but not for the amount that was sent to Treasury. Where you going to pay the correct amount of the regulatory fee, or are you waiting to hear that it was recalled before the payment is made?



US Department of the Treasury
Financial Management Service
Offset Report as of 10-27-2003 8:22 am

Debtor TIN: 593037654	Debt Status: Closed	Subject to Offset? No
Debtor Name: EQUANT NETWORK SERVICES, INC.	Debt Type: 06	Offset Count: 9
Agency ID: 33 Agency Site ID: 01	Local: No	Reversal Count: 0
Agency Site Name/Address: Debt Management Servicing Center Financial Management Service DMSC - Birmingham Office P. O. Box 830794 Birmingham, AL 352830794		
Debt Phone: 8888263127		
State Phone: Toll Free		
State Coll Phone: (888) 826-3127		
National Coll Phone: (888) 826-3127		

	Payment Date	Payment Amount	Offset Amount	Payee Name / Address	Agency Site Id	Payment Type	Reversal
1	11/25/2002	\$2,384.53	\$2,384.53	EQUANT NETWORK SERV INC PO BOX 7247 7134 PHILADELPHIA PA 191707134	01	VC	
2	1/9/2003	\$2,384.52	\$2,384.52	EQUANT NETWORK SERV INC PO BOX 7247 7134 PHILADELPHIA PA 191707134	01	VC	
3	1/22/2003	\$2,384.53	\$2,384.53	EQUANT NETWORK SERV INC PO BOX 7247 7134 PHILADELPHIA PA 191707134	01	VC	
4	3/18/2003	\$2,384.53	\$2,384.53	EQUANT NETWORK SERV INC PO BOX 7247 7134 PHILADELPHIA PA 191707134	01	VC	
5	3/18/2003	\$2,384.53	\$2,384.53	EQUANT NETWORK SERV INC PO BOX 7247 7134 PHILADELPHIA PA 191707134	01	VC	
6	4/17/2003	\$2,384.53	\$2,384.53	EQUANT NETWORK SERV INC PO BOX 7247 7134 PHILADELPHIA PA 191707134	01	VC	
7	5/19/2003	\$2,384.53	\$2,384.53	EQUANT NETWORK SERV INC PO BOX 7247 7134 PHILADELPHIA PA 191707134	01	VC	
8	6/17/2003	\$2,389.66	\$2,389.66	EQUANT NETWORK SERV INC PO BOX 7247 7134 PHILADELPHIA PA 191707134	01	VC	
9	8/5/2003	\$2,389.66	\$2,389.66	EQUANT NETWORK SERV INC PO BOX 7247 7134 PHILADELPHIA PA 191707134	01	VC	

Ahern, Veronica

From: Claudette Pride [Claudette.Pride@fcc.gov]
Sent: Wednesday, June 16, 2004 5:33 PM
To: Ahern, Veronica
Subject: RE: Equant

Ronnie:

I will have one of my staffers check into the status. We should have heard something by now. Either she (Katherine Sibert) or myself will get back with you.

-----Original Message-----

From: Ahern, Veronica [mailto:VAhern@nixonpeabody.com]
Sent: Wednesday, June 16, 2004 4:53 PM
To: Claudette Pride
Subject: FW: Equant

Claudette is there anything we can do to move Treasury in this? Who should I call? Ronnie

-----Original Message-----

From: Claudette Pride [mailto:Claudette.Pride@fcc.gov]
Sent: Monday, May 24, 2004 8:59 AM
To: Ahern, Veronica
Subject: RE: Equant

Hi Ronnie:

We are still waiting on Treasury to confirm that they took the money out and sent it to us. We have no record of ever having received it, and until they send us proof we cannot move forward. I hope to let you know something this week. We have contacted them and they are researching it.

-----Original Message-----

From: Ahern, Veronica [mailto:VAhern@nixonpeabody.com]
Sent: Sunday, May 23, 2004 2:36 PM
To: Claudette Pride
Cc: monique.crawford@equant.com
Subject: Equant

Claudette, have there been further developments in the Equant refund matter? Thanks. Ronnie

Ahern, Veronica

From: Claudette Pride [Claudette.Pride@fcc.gov]
Sent: Friday, May 07, 2004 2:44 PM
To: Ahern, Veronica
Cc: Katherine Sibert
Subject: RE: Equant Network Services

Ronnie:

I have not forgotten you. We are trying to get some information from the Department of Treasury to verify that they took the money they deducted from Equant and sent it to FCC. We don't have a record of ever receiving the payments.

We also verified the wire payment, and have confirmed receipt. Hopefully we will have the information from Treasury today.

I will be on leave all next week, if it does not come in today, I will have Katherine Sibert of my staff let you know when we have more information, and we will hopefully finalize this when I get back on 5/17/04.

-----Original Message-----

From: Ahern, Veronica [mailto:VAhern@nixonpeabody.com]
Sent: Wednesday, May 05, 2004 11:09 AM
To: Claudette Pride
Cc: Katherine Sibert; monique.crawford@equant.com
Subject: RE: Equant Network Services

Many, many thanks.

-----Original Message-----

From: Claudette Pride [mailto:Claudette.Pride@fcc.gov]
Sent: Wednesday, May 05, 2004 11:06 AM
To: Ahern, Veronica
Cc: Katherine Sibert
Subject: RE: Equant Network Services

Hi Ronnie:

I got your e-mail. I will check into it and get you and answer hopefully by the end of the day. I have to touch base with Katherine Sibert to see if the item was recalled, and then we can issue a refund on a fast track if everything is in order. I will e-mail you of my progress later on today.

-----Original Message-----

From: Ahern, Veronica [mailto:VAhern@nixonpeabody.com]
Sent: Wednesday, May 05, 2004 10:51 AM
To: Claudette Pride
Cc: monique.crawford@equant.com
Subject: FW: Equant Network Services

Claudette: Attached are a series of emails, starting in September 2003 which reflect the history of the \$21,471.02 refund owed to Equant. I appreciate how busy you are, but it has been over 8 months since we have heard from you, despite numerous phone messages and emails. I ask you to please contact either Monique or me as soon as possible in order to tell us the status of this matter. You have been very helpful in the past, I am hoping that you can be so again. Ronnie Ahern

-----Original Message-----

From: monique.crawford@equant.com [mailto:monique.crawford@equant.com]
Sent: Thursday, March 18, 2004 2:37 PM
To: Ahern, Veronica
Subject: RE: Equant Network Services

Ronnie:

I've sent emails and left several voice messages but I have had no response from the FCC on this refund. Since you already have a relationship established with Claudette Pride could you please help? Thanks, Monique R. Crawford Legal and Regulatory Equant 2355 Dulles Corner Boulevard Building 3 Herndon, VA 20171

Phone: (571) 643-7956
Fax: (571) 643-7680 or (571) 643-7681
<http://www.equant.com>

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----- Forwarded by Monique CRAWFORD/United States/Equant on 03/18/2004 02:31 PM -----

<Claudette.Pride@fcc.gov>
Monique CRAWFORD

02/13/2004 11:17 AM

Network Services

To: "Claudette Pride"

cc:

bcc:

Subject: RE: Equant

Dear Claudette:

As you may remember, Equant was awaiting a refund from the FCC in the amount of \$21,471.02 and I am writing to inquire as to the status of this refund. I have attached another copy of the documentation from the US Department of Treasury for your convenience, which demonstrates the overpayment (see below discussion).

Could you please let me know where we are in the process and when we can expect to receive the refund? (See attached file: OffsetsUSDoT.pdf) I appreciate your help! Sincerely, Monique R. Crawford Legal and Regulatory Equant 2355 Dulles Corner Boulevard Building 3 Herndon, VA 20171

Phone: (571) 643-7956
Fax: (571) 643-7680 or (571) 643-7681
<http://www.equant.com>

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----- Forwarded by Monique CRAWFORD/United States/Equant on 02/13/2004 11:08 AM -----

"Ahern, Veronica"

<VAhern@nixonpeabody.com>

09/26/2003 10:27 AM
<Claudette.Pride@fcc.gov>

To: "Claudette Pride"

cc:

bcc:

Subject: RE: Equant

Network Services

Claudette, thanks so much for this. I was beginning to think I was invisible!

Here's where we stand: We have calculated \$71,628.71 as the correct amount of regulatory fees owed for FY 1999. Equant has already paid (through offset) \$21,471.02. Unfortunately, when we didn't hear back from you to confirm the offset amount, the accounting department went ahead and wired the full amount (\$71,628.71). Yesterday I filed a request with the OMD (you were cc'ed by fax) to accept the \$71,628.71 as the amount owed and refund the \$21,471.02.

Thanks for the recall. I'll check in with Katherine to be sure you get the file back. And we will await the decision of the OMD on our request. Many thanks. Ronnie

-----Original Message-----

From: Claudette Pride [mailto:Claudette.Pride@fcc.gov]
Sent: Thursday, September 25, 2003 6:08 PM
To: Ahern, Veronica
Subject: Equant Network Services

Veronica:

I truly apologize for not getting back with you sooner. I have been in and out of the last several weeks, and when I am here we have been focusing on the FY 2003 regulatory fees. We have submitted a recall request to the Department of Treasury, we actually did that back in August. To date, we have not seen the file returned. I have asked Katherine Siebert of my staff to call them and find out what is happening.

It has been a while, please refresh my memory. I believe that we concluded that a regulatory fee was owed but not for the amount that was sent to Treasury. Where you going to pay the correct amount of the regulatory fee, or are you waiting to hear that it was recalled before the payment is made?

ATTACHMENT F



Universal Service Administrative Company

Administrator's Decision on Remand

January 24, 2006

BY REGISTERED MAIL

Monique R. Crawford
Regulatory Affairs
Equant Network Services, Inc.
2355 Dulles Corner Boulevard
Herndon, VA 80171

Re: Equant (Filer ID #818102)

Dear Ms. Crawford:

On December 23, 2004, Equant Network Service, Inc. (Equant) filed certain information with the Universal Service Administrative Company (USAC), including revisions to Equant's 2000 Telecommunications Reporting Worksheet (Worksheet or Form 499-A), reporting revenue for 1999 (Revised Worksheet). The Revised Worksheet was submitted in accordance with the FCC's remand of Equant's appeal to the Federal Communications Commission (FCC or Commission) of USAC's rejection of the Revised Worksheet as untimely filed.¹ For reasons explained further below, on remand, USAC rejects the Revised Worksheet because Equant has failed to establish good cause for acceptance of the Revised Worksheet outside of the one-year revision window.

General Background

FCC regulations require carriers to file Telecommunications Reporting Worksheets annually and require USAC to bill contributors based on reported revenues. *See generally* 47 C.F.R. Part 54. FCC regulations have never required USAC to accept untimely-filed revisions to the Worksheets. However, in order to improve the accuracy of reported

¹ *See In re Federal-State Joint Board on Universal Service, 1998 Biennial Regulatory Review – Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45, 98-171, 97-21, Order, 20 FCC Rcd. 1012, 1020, App. A (WCB rel. Dec. 9, 2004) (*Form 499-A Revision Order*).

revenue, in September 1999, the USAC Board of Directors (USAC Board) authorized USAC to allow carriers to file revised Worksheets after the original due date, except that, with respect to revised Worksheets that result in a decrease in contributions, such filings were permitted only for a period of up to one year from the initial filing due date.

In December 2004, the FCC formally adopted a one-year deadline for Worksheet revisions where such revisions would "decrease regulatory fees or contributions to support mechanisms for universal service, interstate Telecommunications Relay Service, number administration, or local number portability."² In adopting the one-year deadline, the FCC directed USAC to consider revised Worksheets from prior years, provided USAC received those revisions either (a) between the release date of the Order, December 9, 2004, and its effective date, January 10, 2005 (the Open Period), or (b) prior to the release date of the Order where USAC had not yet acted on the filing. With respect to cases pending at the FCC that presented the Worksheet filing deadline issue, the FCC remanded those cases to USAC for limited re-consideration. As the FCC explained:

To the extent that a request for review encompasses issues in addition to revised 499-A issues, we remand to USAC only the portion of the request that deals with revised 499-A filings, and retain the remainder of the request for disposition by the Bureau or Commission.³

In considering revised Worksheets from prior years, the FCC directed USAC to consider whether companies established "good cause" for submitting revisions beyond the one-year revision window and provided companies with pending revisions a limited opportunity to supplement the record during the Open Period.⁴ The FCC provided that, to establish good cause, for each Worksheet revision submitted, a company must provide:

- A satisfactory explanation of the cause for any changes; and
- Supporting documentation reasonably sufficient to establish accuracy by showing how the revised information derives from corporate financial records.⁵

Procedural Background

In April 2000, Equant timely filed its original 2000 Form 499-A. On August 25, 2003, Equant filed the Revised Worksheet, explaining that Equant had previously misclassified revenue associated with "international calls that both originate and terminate in foreign points."⁶ Equant indicated that it did not understand when it filed its original form that

² *Form 499-A Revision Order*, 20 FCC Rcd. 1012, 1016, ¶¶ 1, 10.

³ *See id.*

⁴ *See id.* at ¶ 13.

⁵ *See id.* ("USAC shall only revise contribution obligations to the extent that the carrier has provided accurate and legitimate reasons for filing late and for revising the obligation.").

⁶ *See Letter from Allen Finch, Equant, to Christy Doleshal, USAC at 1 (Aug. 25, 2003).*

revenue associated with international calls that did not transit the United States was not required to be reported on FCC Form 499-A Line 412 and, therefore, Equant sought to revise its Worksheet to report these revenues on Line 418. Equant noted that reclassification from Line 412 to Line 418 would not change the total amount of reported revenue, would not affect the amount of Equant's universal service contributions, but would affect the amount of regulatory fees calculated by the FCC.⁷ On August 27, 2003, USAC rejected the Revised Worksheet as untimely because it was received by USAC more than one year after the original filing due date of April 3, 2000.

On September 25, 2003, Equant filed with the FCC a Request for Review of USAC's decision rejecting the Revised Worksheet (FCC Appeal)⁸. Equant argued, among other things, that its Revised Worksheet should be accepted because Equant's asserted initial misclassification of 1999 revenue was caused by unclear instructions on the 2000 Worksheet which the FCC clarified on the 2002 Worksheet.⁹ Equant further asserted that it did not learn of its 2000 Worksheet filing error until well after the one-year revision deadline when, in June 2003, Equant received a demand letter from a collection agency regarding FCC regulatory fees and associated penalties.¹⁰

On December 9, 2004, the *Form 499-A Revision Order* remanded Equant's FCC Appeal to USAC and, on December 23, 2005, pursuant to that Order, Equant filed supplemental information with USAC (USAC Supplement).¹¹ Equant's USAC Supplement restates its previous "explanation of the cause for the change" but provides no "documentation showing how the revised figures derive from corporate financial records."¹² Among other things, Equant again indicates that it "did not know, nor could it have known, that it

⁷ *Id.* at 2.

⁸ Although Equant indicated that its FCC Appeal was filed pursuant to 47 C.F.R. § 54.722, 47 C.F.R. § 54.719(c) is the governing regulation. Section 54.719(c) provides for appeal to the FCC of actions taken by (1) a USAC programmatic division, as defined by § 54.701(c) (schools & libraries; rural healthcare, high cost/low income); (2) a Committee of the USAC Board, as defined by § 54.705 (schools & libraries; rural healthcare, high cost/low income); or (3) the USAC Board as defined in § 54.703. The action being appealed in this instance – the rejection a Worksheet as untimely – is an action by the USAC Billing and Collection division which is not one of the entities identified in § 54.719(c). (Actions by the Billing and Collection division are appealable to the USAC Board pursuant to § 54.719(b).) Nevertheless, because the FCC expressly remanded Equant's FCC Appeal to USAC, USAC considers the appeal as if it had been properly and timely filed with USAC in the first instance.

⁹ See Letter from Veronica M. Ahern, Nixon Peabody, LLP, Attorney for Equant, to Marlene H. Dortch, Secretary, FCC, at 2-3 (Sep. 23, 2003) (Ahern Letter).

¹⁰ *Id.*

¹¹ See Letter from Monique R. Crawford, Equant, to USAC (Dec. 23, 2004) (Crawford Letter).

¹² See *Form 499-A Revision Order*, 20 FCC Rcd. At 1018, ¶ 13 (requiring remanded petitioners to provide "an explanation of the cause for the change along with complete documentation showing how the revised figures derive from corporate financial records").

would be necessary to file revisions to the [2000] Form [499-A] before the [one-year] deadline was reached.”¹³

Explanation of Decision

For the following reasons, USAC again rejects Equant’s 2000 Revised Worksheet. The FCC, in remanding Equant’s Revised Worksheet to USAC, directed USAC to consider two factors in establishing whether “good cause” exists to accept the Worksheet: (1) the carrier’s “explanation of the cause for the change”; and (2) “documentation showing how the revised figures derive from corporate financial records.”¹⁴ Equant provides the former but fails to provide the latter.

The FCC, in requiring supporting financial documentation, established a higher standard of proof than the self-certification which is sufficient for initial form filings. A bare statement regarding the type and amount of revenue to be re-classified – such as Equant provides here – alone is insufficient. To establish good cause for an untimely Worksheet revision pursuant to the *Form 499-A Revision Order*, Equant was required to submit some type of documentation derived from corporate financial records supporting its assertion that the revenue it seeks to reclassify “is derived from calls that both originate and terminate in foreign points and do not transit the U.S.”¹⁵ Moreover, Equant’s sole remaining opportunity to submit such information was during the Open Period.¹⁶ Equant did not do so and so USAC must reject the Revised Worksheet.

USAC has recognized a limited exception to the absolute requirement for supporting financial documentation in a previous *Form 499-A Revision Order* remand.¹⁷ However, among other things, the revised Worksheet in that case affected universal service contributions which USAC administers, not regulatory fees which are administered directly by the FCC. Because solely regulatory fees are at issue here, only the FCC can decide whether Equant should be permitted to provide supporting financial documentation to USAC outside of the Open Period or, alternatively, whether a limited exception to the supporting documentation requirement is appropriate.

¹³ Crawford Letter at 4.

¹⁴ See *Form 499-A Revision Order*, 20 FCC Rcd. at 1018, ¶ 13 (requiring remanded petitioners to provide “an explanation of the cause for the change along with complete documentation showing how the revised figures derive from corporate financial records”).

¹⁵ See Ahern Letter at 2 (emphasis in original).

¹⁶ See *Form 499-A Revision Order*, 20 FCC Rcd. at 1018, ¶ 14 (additional supplemental information must be submitted to USAC during the Open Period). Offering to provide additional information “upon request” but not actually providing the information is insufficient.

¹⁷ See *Cooperative Communications, Inc.*, USAC Administrator’s Decision on Contributor Appeal (Sep. 14, 2005) (supporting financial documentation not required where Worksheet revision corrected misclassification of monthly local calling revenue as 100% interstate when such revenue was by definition intrastate and where total amount revenue remained unchanged).

Equant Network Services, Inc.
January 24, 2006
Page 5

Decision of the Administrator: Reject Equant's revised 2000 FCC Form 499-A for failure to establish good cause for submission outside of the one-year revision deadline.

To the extent the FCC Appeal raised issues other than USAC's acceptance of an untimely-filed Worksheet, those issues remain pending with the FCC.¹⁸

If you disagree with USAC's decision, you may file a further appeal with the FCC. Detailed instructions for filing appeals are available at:

<http://www.universalservice.org/fund-administration/contributors/file-appeal>

Sincerely,

USAC

Universal Service Administrative Company

cc:

Cathy Carpino, FCC Wireline Competition Bureau
Hillary DeNigro, FCC Enforcement Bureau
Regina Dorsey, FCC Office of Managing Director

¹⁸ See *Form 499-A Revision Order*, 20 FCC Rcd. at 1018, ¶ 14 (remanding to USAC only the portion of appeals that deal with untimely revised Form 499-A filings).

ATTACHMENT G

Equant Inc.

Meeting With Stephen Steckler FCC, Wireline Competition Bureau January 11, 2006 1:00 p.m.

Re: 2000-9CB-0065

SUMMARY OF FACTS

- Equant Inc. is the successor-in-interest to Equant Network Services (ENS¹), which in 2000 was a private interstate telecommunications provider.¹
- In 2000 ENS did not pay common carrier regulatory fees because it operated as a private carrier, not subject to Title II of the Telecommunications Act; therefore, ENS believed that they were exempt from common carrier regulatory fees. (Equant Inc. elected to operate as a common carrier on July 1, 2001);
- In April 2000, ENS filed a FCC Form 499-A (in accordance with the instructions for said Form). The Commission calculated the ENS common carrier regulatory fees based non-jurisdictional revenue by approximately \$129 million. (Apparently revenues included on Line 412 should have been included on Line 418).
- Line 412 included approximately \$129 million of offshore revenue; that is revenue derived from calls that both originate and terminate in foreign points and do not transit the U.S. That revenue should have been recorded on Line 418 (non-telecom service revenue) since it was for non-U.S. based revenues over which the FCC has no jurisdiction and upon which common carrier regulatory fees cannot be based.
- Telecommunications carriers were directed to include "international calls that both originate and terminate in foreign points" in revenues reported on Line 412. No distinction is made, on the Form or in the instructions, between traffic that does not transit the U.S. and traffic that does. Therefore, ENS followed the directions on the Form exactly and included over \$ 129 million in international revenues on Line 412, revenues that had been derived from traffic that did not transit the US.²

¹ On December 31, 2001, ENS was merged with Equant Inc., a common carrier and its successor in interest.

² Instructions to the Telecommunications Reporting Worksheet, FCC Form 499A, February 2000.

- On April 23, 2001 a letter was sent to ENS by the Office of the Managing Director ("OMD") claiming that ENS owed common carrier regulatory fees *in the amount of \$208,467.00, plus a penalty of \$52,116.75. This letter never reached ENS as it was sent to an outdated address (although the FCC had been notified of the correct address).*³
- On May 15, 2002, a "final demand" letter totaling \$260, 583.75 was again sent to the outdated address.
- On May 19, 2003 a letter was sent to ENS by the Department of the Treasury, Financial Management Service ("FMS") notifying ENS of an offset payment of \$2,384.53 to be applied against the outstanding amount.⁴ This notification was sent to a correct address in Pennsylvania. Note that an immediate call was made to clarify the issue and ENS was referred to Interstate, a private collection agency ("PCA"), for further communications.
- On June 19, 2003, ENS received a "Formal Notification" from Allied demanding \$350,006.15, based on an incorrect calculation of regulatory fees.
- On July 3, 2003, ENS notified the FCC, Treasury and Allied that it had received notification from Allied, ENS had investigated the matter, and that ENS disputed the validity of the debt. A follow up letter was submitted on July 15, 2003,
- On August 25 2003, ENS filed a revised 2000 FCC Form 499A with USAC per verbal instructions from Tom Putnam (FCC) although ENS believes that it filed a correct original 2000 FCC Form 499 A in accordance with the Form and instructions provided by the FCC and that the FCC erred in including the \$129 million in their calculation of the ENS regulatory fee.
- On September 23, 2003, the corrected common carrier regulatory fee amount was paid in the amount of \$71,628.71. (This payment did not include the offsets made by Treasury in the amount of \$21,471.02 and a request for refund of these monies has been made on several occasions.)
- On September 25, 2003, ENS filed a letter with the Office of the Managing Director with a copy to the Wireline Competition Bureau requesting direct review of the matter, acceptance of the correct amount which was paid, and a request for a refund of the Treasury offsets. ENS requested that the OMD accept the payment and correct their records regardless of whether the simultaneously filed of the USAC decision was granted.

³ ENS provided the FCC with its correct address on May 11, 2001 (FCC Form 499-A) and September 25, 2001 (CORES).

⁴ As of August 5, 2003, the total amount of offset is \$21,471.02.

- Although the OMD acknowledged receipt of the this letter via a letter dated September 30, 2003, which promised a resolution of the matter or a letter stating when we can expect a resolution of the matter, within 30 days, ENS has received no correspondence from the OMD regarding this matter as of January, 11, 2006.
- Equant had diligently sought to resolve this matter directly with the FCC because: 1) ENS submitted an original 2000 FCC Form 499A in accordance with the Form and the instructions and the Commission erred in the calculation of FY 2000 regulatory fees; 2) a rejection of ENS's request based on an arbitrary USAC filing schedule is patently unfair and egregious in these circumstances; 2) ENS was not aware within one year of the submission of the original Form that the regulatory fees were calculated using non-jurisdiction off-shore revenues; 3) ENS could not have known that it would be necessary to file revisions with USAC (to satisfy the commissions method of calculating regulatory fees) before the close of the December 1, 2000 deadline for filing revisions as listed in the 2000 FCC Form 499-A instructions⁵ because it is not until well after the close of this deadline that that the commission provided clarification regarding the reporting of international revenue on Line 418.⁶
- Equant received a letter dated January 24, 2006 indicating that their revised FCC Form 499-A was rejected.

⁵ 2000 FCC Form 499-A Instructions at 8 (February 2000).

⁶ 2002 FCC Form 499-A Instructions at 21 (February 2001).

"Stephen Steckler"
<Stephen.Steckler@fcc.gov>
02/03/2006 01:56 PM

To: <monique.crawford@equant.com>
cc:
bcc:
Subject: RE: Equant Pending Cases

Not yet.

Stephen

*** Non-Public: For Internal Use Only ***

-----Original Message-----

From: monique.crawford@equant.com [mailto:monique.crawford@equant.com]
Sent: Friday, February 03, 2006 11:48 AM
To: Stephen Steckler
Subject: Equant Pending Cases

Stephen:

Has there been any word regarding the two pending Equant cases?

Best regards,

Monique R. Crawford
Legal and Regulatory
Equant Inc.
13775 McLearen Road
Oak Hill, VA 20171

Phone: (703) 471-3340
Fax: (703) 471-3347 or (703) 471-3348
Mobile Phone: (571) 344-9399
<http://www.equant.com>

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Monique CRAWFORD
02/16/2006 08:53 PM

To: stephen.steckler@fcc.gov
cc: Bryan Crowell/United States/Equant@Equant, Meg CHARLES/United States/Equant@Equant
bcc:
Subject: Equant Inc. - Bill No. 02-CCB0001 and Bill No. 009CB0065

Dear Stephen:

Could you please advise regarding the status of these two pending cases? I would like to meet with you and a contact in the Office of the Managing Director in order to clarify any pending questions and to establish a timeline for resolution of the cases.

I look forward to speaking with you again.

Many thanks,

Monique R. Crawford
Legal and Regulatory
Equant Inc.
13775 McLearen Road
Oak Hill, VA 20171

Phone: (703) 471-3340
Fax: (703) 471-3347 or (703) 471-3348
Mobile Phone: (571) 344-9399
<http://www.equant.com>

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Monique CRAWFORD
03/07/2006 06:35 PM

To: stephen.steckler@fcc.gov

cc: Bryan Crowell/United States/Equant@Equant, Meg CHARLES/United States/Equant@Equant, vahern@nixonpeabody.com

bcc:

Subject: Equant Case Nos. 02-CCB0001 and 2000-9CB-0065



Stephen:

The purpose of this email is to follow-up on the pending cases: No. 02-CCB0001 and No. 2000-9CB-0065.

I understand that these cases are now out of your hands and I am very appreciative of your assistance over the past months during your investigation of these cases. However, since the decision making process is stalled I would like to escalate and discuss in a meeting with Andrew Fishel and/or William Spencer in the Office of the Managing Director. I believe that it is important for Equant to obtain a commitment from the Commission's OMD regarding their resolve to timely review and conclude these matters.

Since you have investigated both cases I believe that it is important that you attend the meeting in order to provide your input. I would appreciate it if you would indicate your general availability for scheduling of this meeting from March 13 to March 17.

I feel that Equant is in jeopardy of losing benefits associated with our operating rights via the red light rule, although we have done everything in our power to resolve these pending disputes. Also, it is key to note that Equant cannot meet Commission imposed deadlines for the filing of an appeal absent any Commission feedback regarding the necessity to do so.

I will contact the OMD separately to obtain their availability.

I look forward to hearing from you!

Best regards,

Monique R. Crawford
Legal and Regulatory
Equant Inc.
13775 McLearen Road
Oak Hill, VA 20171

Phone: (703) 471-3340
Fax: (703) 471-3347 or (703) 471-3348
Mobile Phone: (571) 344-9399
<http://www.equant.com>

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